



Growth Management Committee

**Tuesday, April 4, 2006
2:00 PM – 3:00 PM
212 Knott Building**

COMMITTEE ACTION

COMMITTEE MEETING REPORT

Growth Management Committee

4/4/2006 2:00:00PM

Location: 212 Knott Building

Summary:

Growth Management Committee

Tuesday April 04, 2006 02:00 pm

| | | | |
|------------|-------------------------------------|---------|---------|
| HB 703 | Favorable | Yeas: 9 | Nays: 0 |
| HB 835 CS | Favorable With Committee Substitute | Yeas: 9 | Nays: 0 |
| HB 949 | Favorable With Committee Substitute | Yeas: 6 | Nays: 2 |
| HB 1187 CS | Favorable With Committee Substitute | Yeas: 9 | Nays: 0 |
| HB 1357 | Favorable With Committee Substitute | Yeas: 9 | Nays: 0 |
| HB 1431 | Favorable With Committee Substitute | Yeas: 7 | Nays: 2 |
| HB 1583 CS | Favorable With Committee Substitute | Yeas: 9 | Nays: 0 |

Committee meeting was reported out: Tuesday, April 04, 2006 4:14:52PM

COMMITTEE MEETING REPORT

Growth Management Committee

4/4/2006 2:00:00PM

Location: 212 Knott Building

Attendance:

| | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|-----------------------|----------------|---------------|----------------|
| Randy Johnson (Chair) | X | | |
| Anna Benson | X | | |
| Jennifer Carroll | X | | |
| Mike Davis | X | | |
| D. Alan Hays | X | | |
| Bob Henriquez | | | X |
| Carlos Lopez-Cantera | X | | |
| Ari Porth | X | | |
| William Proctor | X | | |
| Shelley Vana | X | | |
| Totals: | 9 | 0 | 1 |

Committee meeting was reported out: Tuesday, April 04, 2006 4:14:52PM

COMMITTEE MEETING REPORT

Growth Management Committee

4/4/2006 2:00:00PM

Location: 212 Knott Building

HB 703 : Municipal Annexation

☒ Favorable

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|---------------|---------|-----------------|-----------------|
| Anna Benson | X | | | | |
| Jennifer Carroll | X | | | | |
| Mike Davis | X | | | | |
| D. Alan Hays | X | | | | |
| Bob Henriquez | | | X | | |
| Carlos Lopez-Cantera | X | | | | |
| Ari Porth | X | | | | |
| William Proctor | X | | | | |
| Shelley Vana | X | | | | |
| Randy Johnson (Chair) | X | | | | |
| Total Yeas: 9 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 04, 2006 4:14:52PM

COMMITTEE MEETING REPORT

Growth Management Committee

4/4/2006 2:00:00PM

Location: 212 Knott Building

HB 835 CS : Affordable Housing

☒ Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|---------------|---------|-----------------|-----------------|
| Anna Benson | X | | | | |
| Jennifer Carroll | X | | | | |
| Mike Davis | X | | | | |
| D. Alan Hays | X | | | | |
| Bob Henriquez | | | X | | |
| Carlos Lopez-Cantera | X | | | | |
| Ari Porth | X | | | | |
| William Proctor | X | | | | |
| Shelley Vana | X | | | | |
| Randy Johnson (Chair) | X | | | | |
| Total Yeas: 9 | | Total Nays: 0 | | | |

Appearances:

HB 835 - Affordable Housing

Eric Poole (Lobbyist) - Opponent

Florida Association of Counties

Tallahassee FL

Committee meeting was reported out: Tuesday, April 04, 2006 4:14:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS HB835

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION ☒ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) M. Davis offered the following:

Amendment (with directory and title amendments)

Remove line(s) 162 through 213 and insert:

Section 2. A new subsection (5) is hereby created within
section 420.9075, Florida Statutes, to read as follows, and
subsequent subsections are renumbered:

(5) In order to assist in the recruitment and retention of
teachers, the following shall be included in the local housing
assistance plan:

(a) Down payment assistance shall be provided to eligible
persons who meet the following criteria, in addition to other
requirements of the plan:

1. The person shall be employed full time as a K-12
classroom teacher in this state.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

18 2. The person shall be state certified in a critical need
19 area of exceptional student education, mathematics, or science.

20 3. The person shall declare his or her homestead and
21 maintain residency at his or her homestead.

22 4. The person shall be employed in a full-time, permanent
23 capacity.

24 5. The person shall demonstrate a 5-year minimum
25 commitment to continued employment as a K-12 classroom teacher
26 in a school within the county of current employment.

27 (b) Compliance with the employment eligibility criteria
28 established under this subsection shall be verified during the
29 life of the loan by the school district where the teacher is
30 employed.

31 (c)1. The program shall provide \$4,000 as down payment
32 assistance if the city, county, or appropriate governmental
33 subdivisions or agencies within which an eligible recipient is
34 employed and resides waives all impact fees that occur
35 incidental to the recipient's home purchase.

36 2. In addition to the amount provided under subparagraph
37 1., the program shall provide \$4,000 as down payment assistance
38 if the county or eligible municipality within which an eligible
39 recipient is employed provides funding through the State Housing

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Initiatives Partnership Program to the eligible recipient under
ss. 420.907-420.9079.

(d) Any lien on the recipient's property securing the
assistance provided under this subsection shall be released if
the recipient fulfills the 5-year commitment specified in
subparagraph (a)5.

(f) Each county and each eligible municipality is
encouraged to develop an element within its local housing
assistance plan emphasizing the recruitment and retention of
classroom teachers certified in critical need areas.

Section 3. Effective July 1, 2006, there is hereby appropriated
to the Florida Housing Finance Corporation \$ million from the
Local Government Housing Trust Fund for distribution through the
State Housing Initiative Partnership Program, notwithstanding
the provisions of s. 420.9072 and s.420.9073, for the purpose of
providing funds to eligible teachers for affordable housing to
assist in teacher retention and recruitment.

===== T I T L E A M E N D M E N T =====

Remove line(s) 21 and insert:

Amending s. 420.9075, F.S.; providing down payment

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COMMITTEE MEETING REPORT

Growth Management Committee

4/4/2006 2:00:00PM

Location: 212 Knott Building

HB 949 : Municipalities

☒ Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|---------------|---------|-----------------|-----------------|
| Anna Benson | | X | | | |
| Jennifer Carroll | | X | | | |
| Mike Davis | X | | | | |
| D. Alan Hays | | | | | X |
| Bob Henriquez | | | X | | |
| Carlos Lopez-Cantera | X | | | | |
| Ari Porth | X | | | | |
| William Proctor | X | | | | |
| Shelley Vana | X | | | | |
| Randy Johnson (Chair) | X | | | | |
| Total Yeas: 6 | | Total Nays: 2 | | | |

Appearances:

HB 949 - Municipalities

Commissioner Josephus Eggelletion Jr. (General Public) - Opponent

Board of County Commission

115 South Andrews Avenue

Fort Lauderdale FL 33311

Phone: 854-357-70109

HB 949 - Municipalities

Mayor Ben Graber (General Public) - Opponent

Broward County

115 S. Andrews Avenue

Fort Lauderdale FL 33301

Phone: 954-357-7003

HB 949 - Municipalities

Kristin Jacobs (General Public) - Opponent

Broward County

115 S. Andrews Avenue

Ft. Lauderdale FL 33060

Phone: 954-357-7002

HB 949 - Municipalities

Sarah Bleakley (Lobbyist) - Opponent

Florida Association of Counties

1500 Mahan Dr.

Tallahassee FL

Phone: 850-224-4070

Committee meeting was reported out: Tuesday, April 04, 2006 4:14:52PM

COMMITTEE MEETING REPORT

Growth Management Committee

4/4/2006 2:00:00PM

Location: 212 Knott Building

HB 949 - Municipalities

James Harvey (Lobbyist) - Proponent

Village of Wellington

7607 Preserve Court

West Palm Beach FL 33412

Phone: 561-762-7991

HB 949 - Municipalities

Mayor Joy Cooper (General Public) - Proponent

City Hallandale Beach

HB 949 - Municipalities

Rick Tschantz, General Counsel - Proponent

Hillsborough County Environmental Protection Commission

3629 Queen Palm Drive

Tampa FL 33619

Phone: 813-627-2600 ext. 1056

Committee meeting was reported out: Tuesday, April 04, 2006 4:14:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 949

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) Vana offered the following:

3
4 **Amendment**

5 Remove line(s) 26 - 43 and insert:

6 (2) Notwithstanding this chapter or any other law to the
7 contrary, no charter county charter provision, adopted on or
8 after July 1, 2006, or ordinance adopted pursuant thereto, that
9 affects the authority of a municipality within a charter county
10 to regulate the use, development or redevelopment of land or
11 that affects municipal annexation within a charter county shall
12 apply to or within the municipality, unless such provision or
13 ordinance is:

14 (a) approved by a vote of the municipality's governing
15 body; or

16 (b) approved by a vote of the electors of the municipality
17 at a duly called municipal election.

18 (3) Notwithstanding this chapter or any other law to the
19 contrary, any law or charter county provision or ordinance
20 adopted before July 1, 2006, that affects the authority of a
21 municipality within a charter county to regulate the use,

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Adopted
4/4/06

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

development or redevelopment of land or that affects municipal
annexation within a charter county shall be effective within the
municipality on the effective date of this act, subject to
modification or repeal by ordinance of the municipality.

(4) This section shall not apply to:

(a) any county as defined in s. 125.011(1);

(b) any countywide impact fee for transportation or public
schools approved by the governing board of a charter county;

(c) any law or charter county provision or ordinance that
sets minimum standards for protecting the environment through
the prohibition or regulation of air, water, soil, or property
contamination;

(d) any special district created by special act.

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COMMITTEE MEETING REPORT

Growth Management Committee

4/4/2006 2:00:00PM

Location: 212 Knott Building

HB 1187 CS : Florida Building Code

☒ Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|---------------|---------|-----------------|-----------------|
| Anna Benson | X | | | | |
| Jennifer Carroll | X | | | | |
| Mike Davis | X | | | | |
| D. Alan Hays | X | | | | |
| Bob Henriquez | | | X | | |
| Carlos Lopez-Cantera | X | | | | |
| Ari Porth | X | | | | |
| William Proctor | X | | | | |
| Shelley Vana | X | | | | |
| Randy Johnson (Chair) | X | | | | |
| Total Yeas: 9 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 04, 2006 4:14:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Adopted
4/4/06

Amendment No.1

Bill No. HB 1187 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Murzin offered the following:

Amendment 1 with directory and title amendments)

After line(s) 271 insert:

(5) ~~The State Fire Marshal may approve technical amendments notwithstanding the 3-year update cycle of the Florida Fire Prevention Code upon finding that a threat to life exists that would warrant such action, subject to chapter 120.~~
Upon the conclusion of a triennial update to the Florida Fire Prevention Code and notwithstanding other provisions of the law the State Fire Marshal may address the issues identified in this subsection by amending the Florida Fire Prevention Code, subject only to the rule-adoption procedures of chapter 120. Following the approval of any amendments to the Florida Fire Prevention Code by the State Fire Marshal and publication on the State Fire Marshal's website, authorities having jurisdiction to enforce the Florida Fire Prevention Code are authorized to enforce the amendments. The State Fire Marshal may approve only amendments that are needed to:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1

21 (a) Address conflicts within the updated Florida Building
22 Code;

23 (b) Address conflicts between the updated Florida Fire
24 Prevention Code and the Florida Building Code adopted pursuant
25 to chapter 553;

26 (c) Address the omission of Florida-specific amendments
27 that were previously adopted in the Florida Fire Prevention
28 Code, or

29 (d) Address unintended results from the integration of
30 Florida-specific amendments that were previously adopted with
31 the model code.

32
33 ===== D I R E C T O R Y A M E N D M E N T =====

34 After line(s) 271 and insert:

35 Section 6: Subsection (5) of section 633.0215, Florida
36 Statutes, is amended to read:

37
38 ===== T I T L E A M E N D M E N T =====

39 Remove line(s) 23 and insert:
40 conforming cross-references; providing authorization for the
41 State Fire Marshall to make certain amendments to the Florida
42 Fire Prevention Code; providing effective dates.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.2

Bill No. HB 1187

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Lopez-Cantera offered the following:

Amendment (with directory amendment)

Before line(s) 181 insert:

(5) The building official shall examine or cause to be
examined applications for permits and amendments thereto within
a reasonable time after filing. IF the application or the
construction documents do not conform to the requirements of
pertinent laws, the building official shall reject such
application in writing, stating the reasons therefor. If the
building official is satisfied that the proposed work conforms
to the requirements of this code and laws and ordinances
applicable thereto, the building official shall issue a permit
therefore as soon as practicable. When authorized thorough
contractual agreement with a school board, in acting on
applications for permits, the building official shall give first
priority to any applications for the construction of, or
addition or renovation to, any school or educational facility.

Renumber subsequent subsections

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.2

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23
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===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 155 and insert:
and (19), respectively, new subsections (5) and (6) are added to
that

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COMMITTEE MEETING REPORT

Growth Management Committee

4/4/2006 2:00:00PM

Location: 212 Knott Building

HB 1357 : Growth Management

☒ Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|---------------|---------|-----------------|-----------------|
| Anna Benson | X | | | | |
| Jennifer Carroll | X | | | | |
| Mike Davis | X | | | | |
| D. Alan Hays | X | | | | |
| Bob Henriquez | | | X | | |
| Carlos Lopez-Cantera | X | | | | |
| Ari Porth | X | | | | |
| William Proctor | X | | | | |
| Shelley Vana | X | | | | |
| Randy Johnson (Chair) | X | | | | |
| Total Yeas: 9 | | Total Nays: 0 | | | |

Appearances:

HB 1357 - Growth Management

Richard Pinsky (Lobbyist) - Proponent

Professional Firefighters & Paramedics

811 Forest Hill Blvd.

West Palm Beach FL 33405

Committee meeting was reported out: Tuesday, April 04, 2006 4:14:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 1357

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Vana offered the following:

Amendment 1

Insert Between line(s) 286 and 287:

(d) Ensure that the health and welfare of the citizens affected by annexation will be protected, all fire and emergency medical services shall be provided by the existing provider of fire and emergency medical services to the annexed area, and remain part of the existing municipal service taxing unit or special district, unless and until:

1. The county and annexing municipality reach through interlocal agreement or other legally sufficient means, an agreement as to who shall provide these emergency services; or

2. A Fire-Rescue Services Element exists for the respective county's comprehensive plan, filed with the State of Florida, and the annexing municipality meets the criteria set forth in this section.

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COMMITTEE MEETING REPORT

Growth Management Committee

4/4/2006 2:00:00PM

Location: 212 Knott Building

HB 1431 : Impact Fees

☒ Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|---------------|---------|-----------------|-----------------|
| Anna Benson | X | | | | |
| Jennifer Carroll | X | | | | |
| Mike Davis | | X | | | |
| D. Alan Hays | X | | | | |
| Bob Henriquez | | | X | | |
| Carlos Lopez-Cantera | X | | | | |
| Ari Porth | X | | | | |
| William Proctor | X | | | | |
| Shelley Vana | | X | | | |
| Randy Johnson (Chair) | X | | | | |
| Total Yeas: 7 | | Total Nays: 2 | | | |

Appearances:

HB 1431 - Impact Fees

Denise Layne (Lobbyist) - Opponent

Coalition for Responsible Growth

2504 Ayers Hill Court

Lutz FL 33559

Phone: 813-246-0485

HB 1431 - Impact Fees

Sarah Bleakley (Lobbyist) - Proponent

Florida Association of Counties

1500 Mahan Dr.

Tallahassee FL

Phone: 850-224-4070

HB 1431 - Impact Fees

Trey Price (Lobbyist) - Proponent

Florida Association of Realtors

200 S.Monroe Street

Tallahassee FL 32301

Phone: 850-224-1400

HB 1431 - Impact Fees

Lani Kahn Drody - Proponent

Builders Association of South Florida

5774 SW 76 Terrace

Miami FL 33143

Phone: 305-216-1550

Committee meeting was reported out: Tuesday, April 04, 2006 4:14:52PM

Not Considered
4/14/06

Strike-All Amendment

Bill No. HB 1431

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Council/Committee hearing bill: Growth Management Committee
 2 Representative(s) Cretul offered the following:

Amendment 1 (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 163.31801, Florida Statutes, is created
 7 to read:

8 163.31801 Florida Impact Fee Act; short title; legislative
 9 intent; minimum requirements.-

10 (1) Short title - This act may be cited as the "Florida
 11 Impact Fee Act."

12 (2) Legislative Findings and Intent - The Legislature finds
 13 that impact fees are an important source of revenue for local
 14 governments to fund infrastructure necessitated by new growth.
 15 The Legislature further finds that impact fees are an outgrowth
 16 of local governments' home rule powers to provide certain
 17 services within their jurisdictions. Due to the growth of
 18 impact fee collections and local governments' reliance on impact
 19 fees to fund infrastructure necessitated by new growth, it is
 20 the intent of the Legislature to ensure that when a county or
 21 municipality enacts an impact fee by ordinance or a special
 22 district enacts an impact fee by resolution the governing
 23 authority complies with this Act.

24 (3) Impact Fee Ordinance or Resolution; Minimum
 25 Requirements - An impact fee ordinance or resolution must:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Strike-All Amendment

26 (a) premise its impact fee calculations upon the most
27 recent and localized data;

28 (b) significantly address affordable housing by either
29 waiving, exempting, deferring, or paying impact fees for
30 affordable housing units out of another revenue source or
31 establishing a significant affordable housing program;

32 (c) provide for accounting and reporting of impact fee
33 collections and expenditures. Specifically, each local
34 governmental entity that imposes an impact fee to address
35 infrastructure needs shall account for the revenues and
36 expenditures of each impact fee within a separate accounting
37 fund;

38 (d) limit administrative charges for impact fee collections
39 to actual cost; and

40 (e) provide notice of not less than 90 days before the
41 effective date of a new impact fee ordinance or resolution or an
42 amendment to an existing impact fee ordinance or resolution.

43 (4) Audits - Certified public accountants conducting audits
44 of local governmental entities and district school boards shall
45 report, as part of the audit, whether or not the local
46 governmental entity or district school board has complied with
47 this section and local laws pertaining to impact fees.

48 Section 2. Subsections (9), (10), (15), and (17) of
49 section 201.15, Florida Statutes, are amended to read:
50 201.15 Distribution of taxes collected.-

51 ~~(9) The lesser of seven and fifty-three hundredths~~
52 ~~percent of the remaining taxes collected under this chapter or~~
53 ~~\$107 million in each fiscal year shall be paid into the State~~
54 ~~Treasury to the credit of the State Housing Trust Fund and shall~~
55 ~~be used as follows:~~

56 (a) Half of that amount shall be used for the purposes for
57 which the State Housing Trust Fund was created and exists by
58 law.

59 (b) Half of that amount shall be paid into the State
60 Treasury to the credit of the Local Government Housing Trust
61 Fund and shall be used for the purposes for which the Local
62 Government Housing Trust Fund was created and exists by law.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Strike-All Amendment

63 (10) ~~The lesser of e~~Eight and sixty-six hundredths percent
64 of the remaining taxes collected under this chapter ~~or \$136~~
65 ~~million in each fiscal year~~ shall be paid into the State
66 Treasury to the credit of the State Housing Trust Fund and shall
67 be used as follows:

68 (a) Twelve and one-half percent of that amount shall be
69 deposited into the State Housing Trust Fund and be expended by
70 the Department of Community Affairs and by the Florida Housing
71 Finance Corporation for the purposes for which the State Housing
72 Trust Fund was created and exists by law.

73 (b) Eighty-seven and one-half percent of that amount shall
74 be distributed to the Local Government Housing Trust Fund and
75 shall be used for the purposes for which the Local Government
76 Housing Trust Fund was created and exists by law. Funds from
77 this category may also be used to provide for state and local
78 services to assist the homeless.

79 (11) From the moneys specified in paragraphs (1)(d) and
80 (2)(a) and prior to deposit of any moneys into the General
81 Revenue Fund, \$30 million shall be paid into the State Treasury
82 to the credit of the Ecosystem Management and Restoration Trust
83 Fund in fiscal year 2000-2001 and each fiscal year thereafter,
84 to be used for the preservation and repair of the state's
85 beaches as provided in ss. 161.091-161.212, and \$2 million shall
86 be paid into the State Treasury to the credit of the Marine
87 Resources Conservation Trust Fund to be used for marine mammal
88 care as provided in s. 370.0603(3).

89 (12) The Department of Revenue may use the payments
90 credited to trust funds pursuant to paragraphs (1)(c) and (2)(b)
91 and subsections (3), (4), (5), (6), (7), (8), (9), and (10) to
92 pay the costs of the collection and enforcement of the tax
93 levied by this chapter. The percentage of such costs which may
94 be assessed against a trust fund is a ratio, the numerator of
95 which is payments credited to that trust fund under this section
96 and the denominator of which is the sum of payments made under
97 paragraphs (1)(c) and (2)(b) and subsections (3), (4), (5), (6),
98 (7), (8), (9), and (10).

99 (13) The distribution of proceeds deposited into the Water
00 Management Lands Trust Fund and the Conservation and Recreation

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Strike-All Amendment

101 Lands Trust Fund, pursuant to subsections (4) and (5), shall not
102 be used for land acquisition, but may be used for reacquisition
103 costs associated with land purchases. The Legislature intends
104 that the Florida Forever program supplant the acquisition
105 programs formerly authorized under ss. 259.032 and 373.59. Prior
106 to the 2005 Regular Session of the Legislature, the Acquisition
107 and Restoration Council shall review and make recommendations to
108 the Legislature concerning the need to repeal this provision.
109 Based on these recommendations, the Legislature shall review the
110 need to repeal this provision during the 2005 Regular Session.

111 (14) Amounts distributed pursuant to subsections (5), (6),
112 (7), and (8) are subject to the payment of debt service on
113 outstanding Conservation and Recreation Lands revenue bonds.

114 (15) Beginning July 1, 2008, in each fiscal year that the
115 remaining taxes collected under this chapter exceed such
116 collections in the prior fiscal year, the stated maximum dollar
117 amounts provided in subsections (2), (4), (6), and (7), ~~(9), and~~
118 ~~(10)~~ shall each be increased by an amount equal to 10 percent of
119 the increase in the remaining taxes collected under this chapter
120 multiplied by the applicable percentage provided in those
121 subsections.

122 (16) If the payment requirements in any year for bonds
123 outstanding on July 1, 2007, or bonds issued to refund such
124 bonds, exceed the limitations of this section, distributions to
125 the trust fund from which the bond payments are made shall be
126 increased to the lesser of the amount needed to pay bond
127 obligations or the limit of the applicable percentage
128 distribution provided in subsections (1)-(12).

129 ~~(17) Distributions to the State Housing Trust Fund~~
130 ~~pursuant to subsections (9) and (10) shall be sufficient to~~
131 ~~cover amounts required to be transferred to the Florida~~
132 ~~Affordable Housing Guarantee Program's annual debt service~~
133 ~~reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b)~~
134 ~~up to but not exceeding the amount required to be transferred to~~
135 ~~such reserve and fund based on the percentage distribution of~~
136 ~~documentary stamp tax revenues to the State Housing Trust Fund~~
137 ~~which is in effect in the 2004-2005 fiscal year.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Strike-All Amendment

138 ~~(18)~~ The remaining taxes collected under this chapter,
139 after the distributions provided in the preceding subsections,
140 shall be paid into the State Treasury to the credit of the
141 General Revenue Fund.

142 Section 3. This act shall take effect July 1, 2006.
143
144

145
146 ===== T I T L E A M E N D M E N T =====
147

147 Remove the entire title and insert:

148 An act relating to impact fee ordinances; creating s.
149 163.31801, F.S.; requiring that local governments enacting
150 impact fee ordinances or resolutions satisfy minimum
151 requirements; requiring that impact fee calculations are based
152 upon recent and localized data; requiring that impact fee
153 ordinances significantly address affordable housing; providing
154 specifications; requiring that impact fee collections and
155 expenditures be accounted for and reported; providing specific
156 accounting and reporting requirements; limiting administrative
157 charges imposed on impact fees; providing a minimum notice
158 requirement for an impact fee ordinance or resolution or
159 amendment to an existing ordinance or resolution; providing
160 specific impact fee reporting requirements; amending s. 201.15,
161 F.S., revising the monetary criteria for the State Housing Trust
162 Fund and the Local Government Housing Trust Fund; and providing
163 an effective date.
164

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Substitute to Strike-All

Bill No. HB 1431

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Lopez-Cantera offered the following:

**Substitute Amendment for the Strike-All Amendment by
Representative Cretul (with title amendment)**

Remove line(s) 119-122 and insert:

(8) An ordinance levying an impact fee must include the calculation of the amount of the fee to be paid a credit for the full present value of all taxes, fees, assessments, liens, charges, or other payments of any kind that have been or will be available to the local government or other facility provider and that will be used to construct capital outlay projects of the same type for which the impact fee is imposed. The calculation of the credit shall estimate such payments for a period of not less than the useful life of the type of project for which the fee is imposed; shall include adjustments in the estimated annual payments to account for inflation, increased taxable values, and increased payments; shall use a discount rate no greater than the current costs of borrowing to finance such capital improvements; and shall be based solely upon the estimated payments from new development and the property upon which the new development is located. A local government that

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Substitute to Strike-All

23 imposed an impact fee shall also provide a credit for all taxes
24 or other payments of any kind through state, federal, or other
25 revenues anticipated to be expended to construct capital outlay
26 projects of the same type for which the impact fee is imposed.

27 (9) An ordinance levying an impact fee must specify that
28 impact fees may only be used to supplement other funds utilized
29 to construct capital outlay projects.

30
31 Renumber subsequent subsections

32
33 ===== T I T L E A M E N D M E N T =====

34 Remove line(s) 16-17 and insert:
35 impact fee; requiring that an ordinance levying an impact
36 include certain credits; requiring that an ordinance levying an
37 impact fee specify that impact fees must be utilized to
38 supplement certain funds; authorizing an ordinance

COMMITTEE MEETING REPORT

Growth Management Committee

4/4/2006 2:00:00PM

Location: 212 Knott Building

HB 1583 CS : Community Redevelopment

☒ Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|---------------|---------|-----------------|-----------------|
| Anna Benson | X | | | | |
| Jennifer Carroll | X | | | | |
| Mike Davis | X | | | | |
| D. Alan Hays | X | | | | |
| Bob Henriquez | | | X | | |
| Carlos Lopez-Cantera | X | | | | |
| Ari Porth | X | | | | |
| William Proctor | X | | | | |
| Shelley Vana | X | | | | |
| Randy Johnson (Chair) | X | | | | |
| Total Yeas: 9 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 04, 2006 4:14:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Adopted
4/4/06

Amendment No. Strike All to HB 1583

Bill No. HB 1583

COUNCIL/COMMITTEE ACTION

| | |
|-----------------------|---|
| ADOPTED | — (Y/N) |
| ADOPTED AS AMENDED | — (Y/N) |
| ADOPTED W/O OBJECTION | <input checked="" type="checkbox"/> (Y/N) |
| FAILED TO ADOPT | — (Y/N) |
| WITHDRAWN | — (Y/N) |
| OTHER | _____ |

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) M. Davis offered the following:

3
4 **Amendment 1 (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsections (2) and (10) of section 163.340,
7 Florida Statutes, is amended, and subsection (24) is added to
8 that section, to read:

9 163.340 Definitions.--The following terms, wherever used
10 or referred to in this part, have the following meanings:

11 (2) "Public body" ~~or "taxing authority"~~ means the state or
12 any county, municipality, authority, special district as defined
13 in s. 165.031(5), or other public body of the state, except a
14 school district.

15 10) "Community redevelopment area" means a slum area, a
16 blighted area, or an area in which there is a shortage of
17 housing that is affordable to residents of low or moderate
18 income, including the elderly, or a coastal and tourist area
19 that is deteriorating and economically distressed due to
20 outdated building density patterns, inadequate transportation
21 and parking facilities, faulty lot layout or inadequate street
22 layout, or a combination thereof which the governing body

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

designates as appropriate for community redevelopment. For community redevelopment agencies created after July 1, 2006, a community redevelopment area cannot consist of more than 80% of the municipality without county approval.

(24) "Taxing authority" means a public body that levies an ad valorem tax on real property located in a community redevelopment area. The term excludes a public body exempted pursuant to s. 163.387(2) from the obligation to appropriate increment revenues to a redevelopment trust fund.

Section 2. Section 163.346, Florida Statutes, is amended to read:

163.346 Notice to taxing authorities.--Before the governing body adopts any resolution or enacts any ordinance required under s. 163.354, s. 163.355, s. 163.356, s. 163.357, or s. 163.387; establishes a study area; creates a community redevelopment agency; approves, adopts, or amends a community redevelopment plan; or issues redevelopment revenue bonds under s. 163.385, the governing body must provide public notice of such proposed action pursuant to s. 125.66(2) or s. 166.041(3)(a) and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

Section 3. Section 163.354, Florida Statutes, is created to read:

163.354 Development of study area.--Prior to adopting a resolution making a finding of necessity required by s. 163.355, the governing body may adopt a resolution establishing a slum and blight study area.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

53 Section 4. Paragraph (d) of Subsection (2) is created and
54 Subsection (6) of section 163.360, Florida Statutes, is amended
55 to read:

56 163.360 Community redevelopment plans.--

57 (2)(d) The agency may contract with qualified nonprofits,
58 faith based organizations or other entities to develop and
59 provide affordable and workforce housing in the area, as well as
60 use tax increment dollars to offer incentives for such
61 development. Examples of incentives are: low interest or no
62 interest loans through qualified lenders or the agency itself;
63 revolving loans; façade improvement loans or grants; matching,
64 seed or leverage dollars for loans or grants; and developer
65 subsidies. Other incentives as determined needed by the agency
66 may be provided. For the purposes of this paragraph, "affordable
67 housing" means that housing that would meet the definition of
68 "affordable" under s. 420.0004(3) and "workforce housing" means
69 housing for which the monthly rents or monthly mortgage payments
70 including taxes, insurance, and utilities do not exceed 30
71 percent of that amount which represents the percentage of the
72 median adjusted gross annual income for the households whose
73 income is 150% of the median income of the area.

74 (6)(a) The governing body shall hold a public hearing on a
75 community redevelopment plan after public notice thereof by
76 publication in a newspaper having a general circulation in the
77 area of operation of the county or municipality. The notice
78 shall describe the time, date, place, and purpose of the
79 hearing, identify generally the community redevelopment area
80 covered by the plan, and outline the general scope of the
81 community redevelopment plan under consideration.

82 (b) For any community redevelopment agency that had not
83 authorized a finding of necessity study by June 5, 2006, and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

84 that had not created a community redevelopment agency by
85 December 31, 2006, and that had not adopted a community
86 redevelopment plan by Marcy 7, 2007, and that was not created
87 pursuant to a delegation of authority under s. 163.410 by a
88 county that has adopted a home rule charter, the following
89 additional procedures are required prior to the governing body's
90 adopting a community redevelopment plan under subsection (7):

91 1. Within 30 days after receipt of any community
92 redevelopment plan recommended by a community redevelopment
93 agency under subsection (5), the county may provide written
94 notice by registered mail to the governing body of the
95 municipality that the county has competing policy goals and
96 plans for the public funds the county would be required to
97 contribute to the tax increment under the proposed community
98 redevelopment plan.

99 2. If the notice required in subparagraph 1. is timely
100 provided, the board of county commissioners and the governing
101 body of the municipality that created the community
102 redevelopment agency shall schedule and hold a joint hearing co-
103 chaired by the county chair and the mayor of the municipality
104 with the agenda to be set by the county chair at which the
105 competing policy goals for the public funds shall be discussed.
106 Any such hearing must be held within 90 days after receipt by
107 the county of the recommended community redevelopment plan.
108 Prior to the joint public hearing, the county may propose an
109 alternative redevelopment plan to address the conditions
110 identified in the resolution making a finding of necessity
111 required by s. 163.355. Should such an alternative modified
112 redevelopment plan be proposed by the county, such plan shall be
113 delivered to the governing body of the municipality that created

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

114 the community redevelopment agency at least 30 days prior to
115 holding the joint meeting.

116 3. If the notice required in subparagraph 1. is timely
117 provided, the municipality may not proceed with the adoption of
118 a plan under subsection (7) until 30 days after the joint
119 hearing unless the board of county commissioners has failed to
120 schedule and attend the joint hearing within the required 90-day
121 period.

122 4. Notwithstanding the timeframes established in
123 subparagraphs 2. and 3., the county and the municipality may at
124 any time voluntarily use the dispute resolution process
125 established in chapter 164 to attempt to resolve any competing
126 policy goals between the county and municipality related to the
127 community redevelopment agency. Nothing in this subparagraph
128 grants the county or the municipality the authority to require
129 the other to participate in the dispute resolution process.

130 Section 5. Subsection (3) of section 163.361, Florida
131 Statutes, is amended to read:

132 163.361 Modification of community redevelopment plans.--

133 (3)(a) In addition to the requirements of s. 163.346, and
134 prior to the adoption of any modification to a community
135 redevelopment plan that expands the boundaries of the community
136 redevelopment area or extends the time certain set forth in the
137 redevelopment plan as required by s. 163.362(10), the agency
138 shall report such proposed modification to each taxing authority
139 in writing or by an oral presentation, or both, regarding such
140 proposed modification.

141 (b) For any community redevelopment agency that was not
142 created pursuant to a delegation of authority under s. 163.410
143 by a county that has adopted a home rule charter and that
144 modifies its adopted community redevelopment plan in a manner

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

145 that expands the boundaries of the redevelopment area after
146 October 1, 2006, the following additional procedures are
147 required prior to the governing body's adopting a modified
148 community redevelopment plan:

149 1. Within 30 days after receipt of any report of a
150 proposed modification that expands the boundaries of the
151 redevelopment area, the county may provide notice by registered
152 mail to the governing body of the municipality that the county
153 has competing policy goals and plans for the public funds the
154 county would be required to contribute to the tax increment
155 under the proposed modification to the community redevelopment
156 plan.

157 2. If the notice required in subparagraph 1. is timely
158 provided, the board of county commissioners and the governing
159 body of the municipality that created the community
160 redevelopment agency shall schedule and hold a joint hearing co-
161 chaired by the county chair and the mayor of the municipality
162 with the agenda to be set by the county chair at which the
163 competing policy goals for the public funds shall be discussed.
164 Any such hearing shall be held within 90 days after receipt by
165 the county of the recommended modification of the adopted
166 community redevelopment plan. Prior to the joint public hearing,
167 the county may propose an alternative modified community
168 redevelopment plan to address the conditions identified in the
169 resolution making a finding of necessity required under s.
170 163.355. Should such an alternative modified redevelopment plan
171 be proposed by the county, such plan shall be delivered to the
172 governing body of the municipality that created the community
173 redevelopment agency at least 30 days prior to holding the joint
174 meeting.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

175 3. If the notice required in subparagraph 1. is timely
176 provided, the municipality may not proceed with the adoption of
177 a plan under s. 163.360(7) until 30 days after the joint hearing
178 unless the board of county commissioners has failed to schedule
179 and attend the joint hearing within the required 90-day period.

180 4. Notwithstanding the timeframes established in
181 subparagraphs 2. and 3., the county and the municipality may at
182 any time voluntarily use the dispute resolution process
183 established in chapter 164 to attempt to resolve any competing
184 policy goals between the county and municipality related to the
185 expansion of the boundaries of the community redevelopment area.
186 Nothing in this subparagraph grants the county or the
187 municipality the authority to require the other to participate
188 in the dispute resolution process.

189 Section 6. Section 163.370, Florida Statutes, is amended
190 to read:

191 163.370 Powers; counties and municipalities; community
192 redevelopment agencies.--

193 (1) Every county and municipality shall have all the powers
194 necessary or convenient to carry out and effectuate the purposes
195 and provisions of this part, including the following powers in
196 addition to others herein granted:

197 (a) To make and execute contracts and other instruments
198 necessary or convenient to the exercise of its powers under this
199 part;

200 (b) To disseminate slum clearance and community
201 redevelopment information;

202 (c) To undertake and carry out community redevelopment and
203 related activities within the community redevelopment area,
204 which ~~redevelopment~~ may include:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

205 1. Acquisition of a slum area or a blighted area or
206 portion thereof.

207 2. Demolition and removal of buildings and improvements.

208 3. Installation, construction, or reconstruction of
209 streets, utilities, parks, playgrounds, public areas of major
210 hotels that are constructed in support of convention centers,
211 including meeting rooms, banquet facilities, parking garages,
212 lobbies, and passageways, and other improvements necessary for
213 carrying out in the community redevelopment area the community
214 redevelopment objectives of this part in accordance with the
215 community redevelopment plan.

216 4. Disposition of any property acquired in the community
217 redevelopment area at its fair value for uses in accordance with
218 the community redevelopment plan as provided in s. 163.380.

219 5. Carrying out plans for a program of voluntary or
220 compulsory repair and rehabilitation of buildings or other
221 improvements in accordance with the community redevelopment
222 plan.

223 6. Acquisition of real property in the community
224 redevelopment area which, under the community redevelopment
225 plan, is to be repaired or rehabilitated for dwelling use or
226 related facilities, repair or rehabilitation of the structures
227 for guidance purposes, and resale of the property.

228 7. Acquisition of any other real property in the community
229 redevelopment area when necessary to eliminate unhealthful,
230 unsanitary, or unsafe conditions; lessen density; eliminate
231 obsolete or other uses detrimental to the public welfare; or
232 otherwise to remove or prevent the spread of blight or
233 deterioration or to provide land for needed public facilities.

234 8. Acquisition, without regard to any requirement that the
235 area be a slum or blighted area, of air rights in an area

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

236 consisting principally of land in highways, railway or subway
237 tracks, bridge or tunnel entrances, or other similar facilities
238 which have a blighting influence on the surrounding area and
239 over which air rights sites are to be developed for the
240 elimination of such blighting influences and for the provision
241 of housing (and related facilities and uses) designed
242 specifically for, and limited to, families and individuals of
243 low or moderate income.

244 9. Construction of foundations and platforms necessary for
245 the provision of air rights sites of housing (and related
246 facilities and uses) designed specifically for, and limited to,
247 families and individuals of low or moderate income.

248 (d) To provide, or to arrange or contract for, the
249 furnishing or repair by any person or agency, public or private,
250 of services, privileges, works, streets, roads, public
251 utilities, or other facilities for or in connection with a
252 community redevelopment; to install, construct, and reconstruct
253 streets, utilities, parks, playgrounds, and other public
254 improvements; and to agree to any conditions that it deems
255 reasonable and appropriate which are attached to federal
256 financial assistance and imposed pursuant to federal law
257 relating to the determination of prevailing salaries or wages or
258 compliance with labor standards, in the undertaking or carrying
259 out of a community redevelopment and related activities, and to
260 include in any contract let in connection with such
261 redevelopment and related activities provisions to fulfill such
262 of the conditions as it deems reasonable and appropriate.

263 (e) Within the community redevelopment area:

264 1. To enter into any building or property in any community
265 redevelopment area in order to make inspections, surveys,
266 appraisals, soundings, or test borings and to obtain an order

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

267 for this purpose from a court of competent jurisdiction in the
268 event entry is denied or resisted.

269 2. To acquire by purchase, lease, option, gift, grant,
270 bequest, devise, eminent domain, or otherwise any personal or
271 real property ~~(or personal property for its administrative~~
272 ~~purposes)~~, together with any improvements thereon; except that a
273 community redevelopment agency may not exercise any power of
274 eminent domain unless the exercise has been specifically
275 approved by the governing body ~~of the county or municipality~~
276 ~~which established the agency.~~

277 3. To hold, improve, clear, or prepare for redevelopment
278 any such property.

279 4. To mortgage, pledge, hypothecate, or otherwise encumber
280 or dispose of any real property.

281 5. To insure or provide for the insurance of any real or
282 personal property or operations of the county or municipality
283 against any risks or hazards, including the power to pay
284 premiums on any such insurance.

285 6. To enter into any contracts necessary to effectuate the
286 purposes of this part.

287 7. To solicit requests for proposals for redevelopment of
288 parcels of real property contemplated by a community
289 redevelopment plan to be acquired for redevelopment purposes by
290 a community redevelopment agency and, as a result of such
291 requests for proposals, to advertise for the disposition of such
292 real property to private persons pursuant to s. 163.380 prior to
293 acquisition of such real property by the community redevelopment
294 agency.

295 (f) To invest any community redevelopment funds held in
296 reserves or sinking funds or any such funds not required for
297 immediate disbursement in property or securities in which

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to s. 163.385 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(g) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state, county, or other public body or from any sources, public or private, for the purposes of this part and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to community redevelopment and related activities such conditions imposed pursuant to federal laws as the county or municipality deems reasonable and appropriate which are not inconsistent with the purposes of this part.

(h) ~~Within its area of operation,~~ To make or have made all surveys and plans necessary to the carrying out of the purposes of this part; to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:

1. Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

2. Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

329 3. Appraisals, title searches, surveys, studies, and other
330 plans and work necessary to prepare for the undertaking of
331 community redevelopment and related activities.

332 (i) To develop, test, and report methods and techniques,
333 and carry out demonstrations and other activities, for the
334 prevention and the elimination of slums and urban blight and
335 developing and demonstrating new or improved means of providing
336 housing for families and persons of low income.

337 (j) To apply for, accept, and utilize grants of funds from
338 the Federal Government for such purposes.

339 (k) To prepare plans for and assist in the relocation of
340 persons (including individuals, families, business concerns,
341 nonprofit organizations, and others) displaced from a community
342 redevelopment area and to make relocation payments to or with
343 respect to such persons for moving expenses and losses of
344 property for which reimbursement or compensation is not
345 otherwise made, including the making of such payments financed
346 by the Federal Government.

347 (l) To appropriate such funds and make such expenditures
348 as are necessary to carry out the purposes of this part; to zone
349 or rezone any part of the county or municipality or make
350 exceptions from building regulations; and to enter into
351 agreements with a housing authority, which agreements may extend
352 over any period, notwithstanding any provision or rule of law to
353 the contrary, respecting action to be taken by such county or
354 municipality pursuant to any of the powers granted by this part.

355 (m) To close, vacate, plan, or replan streets, roads,
356 sidewalks, ways, or other places and to plan or replan any part
357 of the county or municipality.

358 (n) ~~Within its area of operation,~~ To organize, coordinate,
359 and direct the administration of the provisions of this part, as

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

they may apply to such county or municipality, in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such county or municipality may be most effectively promoted and achieved and to establish such new office or offices of the county or municipality or to reorganize existing offices in order to carry out such purpose most effectively.

(o) To exercise all or any part or combination of powers herein granted or to elect to have such powers exercised by a community redevelopment agency.

(p) To develop and implement community policing innovations.

(2) The following projects may not be paid for or financed by increment revenues:

(a) Construction or expansion of administrative buildings for public bodies or police and fire buildings, unless each taxing authority agrees to such method of financing for the construction or expansion, or unless the construction or expansion is contemplated as part of a community policing innovation.

(b) Installation, construction, reconstruction, repair, or alteration of any publicly owned capital improvements or projects ~~which are not an integral part of or necessary for carrying out the community redevelopment plan if such projects or improvements are normally financed by the governing body with user fees or~~ if such projects or improvements were scheduled to ~~would~~ be installed, constructed, reconstructed, repaired, or altered within 3 years of the approval of the community redevelopment plan by the governing body pursuant to a previously approved public capital improvement or project schedule or plan of the governing body which approved the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

community redevelopment plan unless and until such projects or improvements have been removed from such schedule or plan of the governing body and 3 years have elapsed from such removal.

(c) General government operating expenses, including payments or reimbursements for services provided to the agency by any public body, unrelated to the planning and carrying out of a community redevelopment plan.

(3) With the approval of the governing body, a community redevelopment agency may:

(a) Prior to approval of a community redevelopment plan or approval of any modifications of the plan, acquire real property in a community redevelopment area, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses, provided such acquisition is not pursuant to s. 163.375.

(b) Assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection, in the event that the real property is not made part of the community redevelopment area.

Section 7. Subsection (1), paragraph (a), (b), and (c) of subsection (2), and subsections (3), (4), (5), (6) and (7) of section 163.387, Florida Statutes, are amended to read:

163.387 Redevelopment trust fund.--

(1)(a) After approval of a community redevelopment plan, there ~~shall~~ may be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan. No community redevelopment agency may receive or spend any

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

422 increment revenues pursuant to this section unless and until the
423 governing body has, by ordinance, created the trust fund and
424 provided for the funding of the redevelopment trust fund ~~for the~~
425 ~~duration of a~~ until the time certain set forth in the community
426 redevelopment plan as required by s.163.362(10). Such ordinance
427 may be adopted only after the governing body has approved a
428 community redevelopment plan. The annual funding of the
429 redevelopment trust fund shall be in an amount not less than
430 that increment in the income, proceeds, revenues, and funds of
431 each taxing authority derived from or held in connection with
432 the undertaking and carrying out of community redevelopment
433 under this part. Absent an interlocal agreement between the
434 taxing authorities contributing to the trust fund created
435 pursuant to the this section, such increment shall be determined
436 annually and shall be that amount equal to 95 percent of the
437 difference between:

438 1.(a) The amount of ad valorem taxes levied each year by
439 each taxing authority, exclusive of any amount from any debt
440 service millage, on taxable real property contained within the
441 geographic boundaries of a community redevelopment area; and

442 2.(b) The amount of ad valorem taxes which would have been
443 produced by the rate upon which the tax is levied each year by
444 or for each taxing authority, exclusive of any debt service
445 millage, upon the total of the assessed value of the taxable
446 real property in the community redevelopment area as shown upon
447 the most recent assessment roll used in connection with the
448 taxation of such property by each taxing authority prior to the
449 effective date of the ordinance providing for the funding of the
450 trust fund.

451 However, the governing body of any county as defined in s.
452 125.011(1) may, in the ordinance providing for the funding of a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

trust fund established with respect to any community redevelopment area created on or after July 1, 1994, determine that the amount to be funded by each taxing authority annually shall be less than 95 percent of the difference between subparagraphs 1. and 2. paragraphs (a) and (b), but in no event shall such amount be less than 50 percent of such difference.

(b)1. For any community redevelopment agency that had not authorized a finding of necessity study by June 5, 2006, and that had not created a community redevelopment agency by December 31, 2006, and that had not adopted a community redevelopment plan by March 7, 2007, and that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter the amount of tax increment to be contributed by any taxing authority shall be limited as follows:

a. If a taxing authority imposes a millage rate that exceeds the millage rate imposed by the governing body that created the trust fund, the amount of tax increment to be contributed by the taxing authority imposing the higher millage rate shall be calculated using the millage rate imposed by the governing body that created the trust fund. Nothing shall prohibit any taxing authority from voluntarily contributing tax increment at a higher rate for a period of time as specified by interlocal agreement between the taxing authority and the community redevelopment agency.

b. At any time more than 24 years after the fiscal year in which a taxing authority made its first contribution to a redevelopment trust fund, the taxing authority, by resolution effective no sooner than the next fiscal year and adopted by majority vote of the taxing authority's governing body at a public hearing held not less than 30 or more than 45 days after

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

484 written notice by registered mail to the community redevelopment
485 agency and published in a newspaper of general circulation in
486 the redevelopment area, may limit the amount of increment
487 contributed by the taxing authority to the trust fund to the
488 amount of increment the taxing authority was obligated to
489 contribute to the trust fund in the fiscal year immediately
490 preceding the adoption of such resolution, plus any increase in
491 the increment after the adoption of the resolution computed
492 using the taxable values of any area which is subject to an area
493 reinvestment agreement. As used in this subparagraph, the term
494 "area reinvestment agreement" means an agreement between the
495 community redevelopment agency and a private party, with or
496 without additional parties, which provides that the increment
497 computed for a specific area shall be reinvested in public
498 infrastructure or services, or both, including debt service,
499 supporting one or more projects consistent with the community
500 redevelopment plan that is identified in the agreement to be
501 constructed within that area. Any such reinvestment agreement
502 must specify the estimated total amount of public investment
503 necessary to provide the public infrastructure or services, or
504 both, including any applicable debt service. The increase in the
505 increment of any area that is subject to an area reinvestment
506 agreement following the passage of a resolution as provided in
507 this subparagraph is limited to the amount specified in the area
508 reinvestment agreement as necessary to provide the public
509 infrastructure or services, or both, including any applicable
510 debt service, that is the subject of the agreement. The
511 contribution to the trust fund of the increase in the increment
512 of any area that is subject to an area reinvestment agreement
513 following the passage of a resolution as provided in this sub-
514 subparagraph shall cease when the amount specified in the area

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

515 reinvestment agreement as necessary to provide the public
516 infrastructure or services, or both, including any applicable
517 debt service, have been invested.

518 2. For any community redevelopment agency that was not
519 created pursuant to a delegation of authority under s. 163.410
520 by a county that has adopted a home rule charter and that
521 modifies its adopted community redevelopment plan after October
522 1, 2006, in a manner that expands the boundaries of the
523 redevelopment area, the amount of increment to be contributed by
524 any taxing authority with respect to the expanded area shall be
525 limited as set forth in section 163.387(1)(b)(1) (a) and (b).

526 (2)(a) Except for the purpose of funding the trust fund
527 pursuant to subsection (3), upon the adoption of an ordinance
528 providing for funding of the redevelopment trust fund as
529 provided in this section, each taxing authority shall, by
530 January 1 of each year, appropriate to the trust fund for so
531 long as any indebtedness pledging increment revenues to the
532 payment thereof is outstanding (but not to exceed 30 years) a
533 sum that is no less than the increment as defined and determined
534 in subsection (1) or paragraph (3)(b) accruing to such taxing
535 authority. If the community redevelopment plan is amended or
536 modified pursuant to s. 163.361(1), each such taxing authority
537 shall make the annual appropriation for a period not to exceed
538 30 years after the date the governing body amends the plan.

539
540 However, for any agency created on or after July 1, 2002, each
541 taxing authority shall make the annual appropriation for a
542 period not to exceed 40 years after the fiscal year in which the
543 initial community redevelopment plan is approved or adopted.

544 (b) Any taxing authority that does not pay the increment
545 revenues to the trust fund by January 1 shall pay to the trust

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

546 fund an amount equal to 5 percent of the amount of the increment
547 revenues and shall pay interest on the amount of the unpaid
548 increment revenues equal to 1 percent for each month the
549 increment is outstanding, provided the agency may waive such
550 penalty payments in whole or in part.

551 (c) The following public bodies ~~or taxing authorities~~ are
552 exempt from paragraph (a):

553 1. A special district that levies ad valorem taxes on
554 taxable real property in more than one county.

555 2. A special district for which the sole available source
556 of revenue the district has the authority to levy is ad valorem
557 taxes at the time an ordinance is adopted under this section.
558 However, revenues or aid that may be dispensed or appropriated
559 to a district as defined in s. 388.011 at the discretion of an
560 entity other than such district shall not be deemed available.

561 3. A library district, except a library district in a
562 jurisdiction where the community redevelopment agency had
563 validated bonds as of April 30, 1984.

564 4. A neighborhood improvement district created under the
565 Safe Neighborhoods Act.

566 5. A metropolitan transportation authority.

567 6. A water management district created under s. 373.069.

568 (3)(a) Notwithstanding the provisions of subsection (2),
569 the obligation of the governing body which established the
570 community redevelopment agency to fund the redevelopment trust
571 fund annually shall continue until all loans, advances, and
572 indebtedness, if any, and interest thereon, of a community
573 redevelopment agency incurred as a result of redevelopment in a
574 community redevelopment area have been paid.

575 (b) Alternate provisions contained in an interlocal
576 agreement between any of the other taxing authorities and the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

577 governing body that created the community redevelopment agency
578 may supercede the provisions of this part. The community
579 redevelopment agency may be an additional party to any such
580 agreement.

581 (4) The revenue bonds and notes of every issue under this
582 part are payable solely out of revenues pledged to and received
583 by a community redevelopment agency and deposited to its
584 redevelopment trust fund. The lien created by such bonds or
585 notes shall not attach until the increment revenues ~~referred to~~
586 ~~herein~~ are deposited in the redevelopment trust fund at the
587 times, and to the extent that, such increment revenues accrue.
588 The holders of such bonds or notes have no right to require the
589 imposition of any tax or the establishment of any rate of
590 taxation in order to obtain the amounts necessary to pay and
591 retire such bonds or notes.

592 (5) Revenue bonds issued under the provisions of this part
593 shall not be deemed to constitute a debt, liability, or
594 obligation of the ~~local~~ governing body or the state or any
595 political subdivision thereof, or a pledge of the faith and
596 credit of the ~~local~~ governing body or the state or any political
597 subdivision thereof, but shall be payable solely from the
598 revenues provided therefor. All such revenue bonds shall contain
599 on the face thereof a statement to the effect that the agency
600 shall not be obligated to pay the same or the interest thereon
601 except from the revenues of the community redevelopment agency
602 held for that purpose and that neither the faith and credit nor
603 the taxing power of the ~~local~~ governing body or of the state or
604 of any political subdivision thereof is pledged to the payment
605 of the principal of, or the interest on, such bonds.

606 (6) Moneys in the redevelopment trust fund may be expended
607 from time to time for undertakings of a community redevelopment

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

608 agency as described in the community redevelopment plan which
609 ~~are directly related to financing or refinancing of~~
610 ~~redevelopment in a community redevelopment area pursuant to an~~
611 ~~approved community redevelopment plan~~ for the following
612 purposes, including, but not limited to:

613 (a) Administrative and overhead expenses, including
614 services provided by another public body, necessary or
615 incidental to the implementation of a community redevelopment
616 plan adopted by the agency.

617 (b) Expenses of redevelopment planning, surveys, and
618 financial analysis, including the reimbursement of the governing
619 body or the community redevelopment agency for such expenses
620 incurred before the redevelopment plan was approved and adopted.

621 (c) The acquisition of real property in the redevelopment
622 area.

623 (d) The clearance and preparation of any redevelopment
624 area for redevelopment and relocation of site occupants within
625 or outside the community redevelopment area as provided in s.
626 163.370.

627 (e) The repayment of principal and interest or any
628 redemption premium for loans, advances, bonds, bond anticipation
629 notes, and any other form of indebtedness.

630 (f) All expenses incidental to or connected with the
631 issuance, sale, redemption, retirement, or purchase of ~~agency~~
632 bonds, bond anticipation notes, or other form of indebtedness,
633 including funding of any reserve, redemption, or other fund or
634 account provided for in the ordinance or resolution authorizing
635 such bonds, notes, or other form of indebtedness.

636 (g) The development of affordable housing within the
637 community redevelopment area.

638 (h) The development of community policing innovations.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

639 (7) On the last day of the fiscal year of the community
640 redevelopment agency, any money which remains in the trust fund
641 after the payment of expenses pursuant to subsection (6) for
642 such year shall be:

643 (a) Returned to each taxing authority ~~which paid the~~
644 ~~increment~~ in the proportion that the amount of the payment of
645 such taxing authority bears to the total amount paid into the
646 trust fund by all taxing authorities ~~within the redevelopment~~
647 ~~area~~ for that year;

648 (b) Used to reduce the amount of any indebtedness to which
649 increment revenues are pledged;

650 (c) Deposited into an escrow account for the purpose of
651 later reducing any indebtedness to which increment revenues are
652 pledged; or

653 (d) Appropriated to a specific redevelopment project
654 pursuant to an approved community redevelopment plan which shall
655 be expended ~~project will be completed~~ within 3 years from the
656 date of such appropriation.

657 (8) Each community redevelopment agency shall provide for
658 an ~~independent financial~~ audit of the trust fund each fiscal
659 year and a report of such audit to be prepared by an independent
660 certified public accountant or firm. Such report shall describe
661 the amount and source of deposits into, and the amount and
662 purpose of withdrawals from, the trust fund during such fiscal
663 year and the amount of principal and interest paid during such
664 year on any indebtedness to which ~~is pledged~~ increment revenues
665 are pledged and the remaining amount of such indebtedness. The
666 agency shall provide by registered mail a copy of the report to
667 each taxing authority.

668 Section 8. Section 163.410, Florida Statutes, is amended
669 to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

670 163.410 Exercise of powers in counties with home rule
671 charters.--In any county which has adopted a home rule charter,
672 the powers conferred by this part shall be exercised exclusively
673 by the governing body of such county. However, the governing
674 body of any such county which has adopted a home rule charter
675 may, in its discretion, by resolution delegate the exercise of
676 the powers conferred upon the county by this part within the
677 boundaries of a municipality to the governing body of such a
678 municipality. Such a delegation to a municipality shall confer
679 only such powers upon a municipality as shall be specifically
680 enumerated in the delegating resolution. Any power not
681 specifically delegated shall be reserved exclusively to the
682 governing body of the county. This section does not affect any
683 community redevelopment agency created by a municipality prior
684 to the adoption of a county home rule charter. Unless otherwise
685 provided by an existing ordinance, resolution, or interlocal
686 agreement between any such county and a municipality, the
687 governing body of the county that has adopted a home rule
688 charter shall grant in whole or in part or deny ~~act on~~ any
689 request from a municipality for a delegation of powers or a
690 change in an existing delegation of powers within 120 days after
691 the receipt of all required documentation or such request shall
692 be deemed granted. Within 30 days of receipt of the request, the
693 county shall notify by registered mail whether the request is
694 complete or if additional documentation is required. The county
695 shall notify the municipality by registered mail within 30 days
696 whether such additional documentation is complete. Any request
697 by the county for additional documentation shall specify the
698 deficiencies in the submitted documentation, if any. The county
699 shall notify the municipality by registered mail within 30 days
700 after receiving the additional documentation whether such

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

701 information is complete. If the meeting of the county commission
702 at which the request for a delegation of powers or a change in
703 an existing delegation of powers is unable to be held due to
704 events beyond the control of the county, the request shall be
705 acted upon at the next regularly scheduled meeting of the county
706 commission without regard to the 120-day limitation. Should the
707 county not act upon the request at the next regularly scheduled
708 meeting, the request shall be deemed granted. ~~immediately sent~~
709 ~~to the governing body for consideration.~~

710 Section 8. This act shall take effect July 1, 2006.
711
712

713 ===== T I T L E A M E N D M E N T =====

714 Remove the entire title and insert:

715 An act relating to community redevelopment; amending
716 s. 163.340, F.S.; defining the term "taxing authority";
717 amending s. 163.346, F.S.; revising a requirement that a
718 governing body notify taxing authorities before taking
719 certain actions; creating s. 163.354, F.S.; authorizing the
720 adoption of a resolution establishing a slum and blight
721 study area before making a finding of necessity; amending
722 s. 163.360, F.S.; authorizing additional use of tax
723 increment for affordable housing; specifying additional
724 notice, hearing, and dispute resolution procedures for
725 adoption of a community redevelopment plan for certain
726 community redevelopment agencies; amending s. 163.361,
727 F.S.; specifying additional notice, hearing, and dispute
728 resolution procedures for adoption of a modified community
729 redevelopment plan expanding redevelopment area boundaries
730 for certain community redevelopment agencies; amending s.
731 163.370, F.S.; amending s. 163.387, F.S.; specifying for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Strike All to HB 1583

732 certain redevelopment agencies certain limitations on
733 amounts of increment contributed to a redevelopment trust
734 fund by certain taxing authorities; authorizing interlocal
735 agreements to supercede the provisions of this part;
736 amending s. 163.410, F.S.; providing requirements for
737 actions by certain counties delegating or changing a
738 delegation of powers to a municipality for community
739 redevelopment areas; providing an effective date.